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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,113	02/05/2007	Werner Fuchs	P29981	1651
7055 7590 12/09/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER				
FORTUNA, ANA M				
ART UNIT		PAPER NUMBER		
1777				
NOTIFICATION DATE		DELIVERY MODE		
12/09/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/582,113

Applicant(s)

FUCHS ET AL.

Examiner

ANA M. FORTUNA

Art Unit

1777

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/ANA M FORTUNA/
Primary Examiner, Art Unit 1777

Continuation of 11, does NOT place the application in condition for allowance because: the claims carries the 112 rejections and 103 rejections as discussed in the final Office action. Allowable subject matter from the specification was discussed with Jonathan Miller, and proposed claim amended (14) as attached was discussed. The proposed amendment are in the process of discussion with Applicant for approval.

Proposed amendment to the claims:

As discussed over the phone, the attached amendmend is proposed for discussion only.

14 (Currently amended) a membrane filter system, comprising :

at least one filter;

each filter comprising:

[at least] one vessel;

a [plurality of individually] removable aerated filter module[s] arranged in the [at least one] vessel and structured and arranged for a suspension to be filtered to flow through in parallel [at least one] the filter module; the filter module comprising a plurality of membrane units;

a plurality of spaces formed in the [at least one] vessel by plates arranged cross-wise with respect to a direction of flow through the filter module[s];

wherein one of the spaces is a [at least one] feed space for a common supply of the suspension to be filtered to the [plurality of] filter module[s];

[at least one] one of the spaces is a permeate space for common [discharging] discharge of permeate;

a feed pump for supplying the suspension to be filtered into the [at least one] the feed space;

and

[at least one] a feed distribution space defined by a vessel laterally and at least partially around the [at least one] feed space,

wherein the [at least one] feed space comprises:

a feed distribution opening; [and]

an aeration device around which the suspension to be filtered flows, and

wherein the feed distribution opening is arranged so suspension to be filtered is guided into the [at least one] feed space from the at least one feed distribution space cross-wise with respect to the direction of flow through the filter module;

and

wherein the opening is continuous in the circumferential direction of the feed space in the lower region of the feed space.

Claim 26 does not required that the filtration module or system be provided with the plates and spacers as in claim 14. The claim can be allowed if it is made to depend on claim 14 amended.

Dependent claims need to be amended to correspond with the proposed amended claim 14.

Ana Fortuna

Primary Patent Examiner, AU 1777